

JURISDICTION:

General Reference:

WISCONSIN

This chapter summarizes Wisconsin State statutes related to speed.
Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. 346.57(2)

Statutory Speed Limit:

See Other below.

65 MPH on any freeway or expressway when posted 346.57(4)(gm)
55 MPH on highways not posted 346.57(4)(h)
45 MPH on designated rustic roads 346.57(4)(k)
35 MPH on highways within semiurban district outside city or village corporate limits 346.57(4)(g)
35 MPH on outlying district highways within city or village corporate limits 346.57(4)(f)
35 MPH on certain highway in business, industrial and residential districts 346.57(4)(j)
25 MPH on service roads with city or village corporate limits 346.57(4)(em)
25 MPH on other highways within city or village corporate limits 346.57(4)(e)
15 MPH in an alley 346.57(4)(d)
15 MPH in a safety zone occupied by pedestrians and where a public passenger vehicle has stopped to receive or discharge passengers 346.57(4)(c)
15 MPH in a "school crossing" 346.57(4)(b)
15 MPH when passing a school during times when children are either going to or from a school or when children "are playing within the sidewalk area at or about the school." 346.57(4)(a)
15 MPH in town parks or recreation area when children are going to or from or playing within such areas. 346.57(4)(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be >65 MPH on freeways or expressways or 55 MPH on other highways.¹ 346.57(5) and 349.11(1)(a), (2)(a), (8)(a) & (8m)
II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be >55 MPH² 346.57(5) and 349.11(1)(a), (3)(a) & (8m)

Basis for a Speed Law Violation: (continued)

In addition, the State cannot modify the maximum statutory speed of 15 MPH in a safety zone or the speed limit on the more than 2,000 miles of State trunk highway. 349.11(2)(b) & (c)

In addition, a local government State cannot modify the maximum statutory speed of 15 MPH in a safety zone. 349.11(3)(b) Such government must obtain approval to modify speed limits within corporate limits or within a semiurban district outside corporate limits. In addition, in general, it cannot reduce by 10 MPH (15 MPH on roads) or less statutory speed limits without State approval. 349.11(3)(c)

WISCONSIN

Posted (Maximum) Speed Limit: (continued)

Note: State or local government maximum speed limits established under either I or II above must be uniformly applicable to all types of motor vehicles. However, there is an exception. A lower speed limit may be established for vehicles which, because of their weight or size, are operating under a special permit. 349.11(8)(c) & (8m)(c)

III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures.

349.11(4)

IV. Local governments may establish temporary speed limits on highways that are under going construction or maintenance.

349.11(10)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic. 346.59(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 346.05(3)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. 349.11(1)(b)

Other:

No person shall drive a vehicle that is equipped with metal or solid rubber tires >15 MPH. 346.58

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Civil Forfeiture Offenses. 346.17(2), 346.60 & 939.12

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

None

Violating the Basic Speed Law, School Area Speed Limits (See II under Other below.), Pedestrian/Passenger Safety Zone Speed Limits-1st offense-\$40 to \$300 Subsequent offense-\$80 to \$600 346.60(3)

Violating the 65 MPH Speed Limit-\$50 to \$300 346.60(2)(b)

Violating Other Speed Limits³-\$30 to \$300 346.60(2)(a)

Violating the Minimum Speed Law (Impeding Traffic)-1st offense-\$20 to \$40 Subsequent offense-\$50 to \$100 346.60(1)

Failing to Maintain Speed Except in Right Lane-\$30 to \$300 346.17(2)

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Mandatory Min. Fine (\$):

None

This includes a violation of 346.58 which prohibits a person from driving a motor vehicle that is equipped with metal or solid rubber tires >15 MPH. 346.60(2)(a)

Other Penalties:

Traffic School:

An offender may have points deducted from their driving record if they participate in either driver improvement counseling, a traffic safety school, or a defensive driving course. WAC 101.07

Other:

I. The above minimum and maximum fines (forfeitures) are **double** if the following offenses occur in either a highway maintenance, construction area or utility work area: Violating the basic speed law; exceeding the speed limit in an alley; or, exceeding the speed limit on highways or roads with 25 to 65 MPH speed limits. 346.60(3m)(a)
 II. The above minimum and maximum fines (forfeitures) are **double** if a person either violates the basic speed rule in a designated school zone (school crossing) or exceeds the speed limit in such a zone. This sanction applies on any type of highway (road). 118.08(1) & 346.60(3m)(b)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via the Courts 343.30(1) & (1n)

Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ 343.32(2)(a)

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension via the Courts: (1) For speeding ≥ 25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** 343.30(1n) (2) For other violations-Not more than **1 year** 343.30(1)

Suspension or Revocation via a Point System-**2 months to 1 year**⁵ 343.32(3) & WAC Trans. 101.04

Mandatory Minimum Term of

Withdrawal:

Suspension via the Courts: (1) For speeding ≥ 25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** 343.30(1n) (2) For other violations-**None** Note: Licensing action is discretionary 343.30(1)
Suspension or Revocation via a Point System-**None** Note: A person is eligible for occupational driving privileges 343.32(6)

Miscellaneous Sanctions

Not Included Elsewhere:

Sanctions Following an Adjudication of a Speed Law Violation:
 (continued)

Bicycle Operators. I. A person, who exceeds the speed limit while

Miscellaneous Sanctions

Not Included Elsewhere: (continued)

operating a bicycle, is subject to a Civil Forfeiture of not more than **\$20**. 346.60(5)(a)

II. A person, who obstructs traffic while operating a bicycle, is subject to a Civil Forfeiture of not more than **\$10**. 346.60(5)(b)

The double fine sanction for speeding in a construction zone does not apply (1) in certain 15 MPH school, park or safety zones, (2) on 35 MPH highways located in business, industrial or residential areas and (3) on 45 MPH highways which have been designated as rustic roads. 346.(3m)(a) & 346.57

Point System. I. An offender's license is subject to either suspension or revocation for 2 months, 4 months, 6 months or 1 year if they accumulate respectively 12, 17 to 22 points, 23 to 30 points or >30 points within 12 months. WAC Trans. 101.04 II. The following points have been assigned to speeding offenses: Racing on the highways-6 points; reckless driving-6 points; speeding ≥ 20 MPH over the speed limit-6 points; imprudent speed or driving too fast for conditions; speeding >10 MPH but <20 MPH over the speed limit-4 points; inattentive driving-4 points; unnecessary acceleration-4 points; speeding ≤ 10 MPH over the speed limit; obstructing traffic/driving excessively slowly-2 points; and, all other moving violations-2 points. WAC Trans. 101.02

WISCONSIN

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Civil Forfeiture 346.94(2) & 346.95(2)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	\$20 to \$400 346.95(2)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	Suspension via the Courts 343.30 Suspension or Revocation -Based upon repeated violation of the traffic laws via a Point System ⁵ 343.32(2)(a)
Length of Term of	
Licensing Withdrawal:	Suspension via the Courts-Not more than 1 year 343.30(1) Suspension or Revocation via a Point System- 2 months to 1 year ⁵ 343.32(3) & WAC Trans. 101.04
Mandatory Action--Minimum	
Length of License	
Withdrawal:	Suspension via the Courts- None Note: Licensing action is discretionary 343.30(1) Suspension or Revocation via a Point System- None Note: A person is eligible for occupational driving privileges 343.32(6)
Other:	
<u>Reckless Driving</u> ⁶ :	Civil Forfeiture, Misdemeanor or Felony 346.62(2), (3) & (4), 939.12 and 939.60
Sanction:	
Criminal:	
Imprisonment (Term):	Endangering Persons or Property - <u>1st offense</u> -Forfeiture- None <u>Subsequent offense</u> (within 4 years)-Misdemeanor-Not more than 1 year in the county jail 346.65(1)(b) Causing Bodily Harm -Misdemeanor- 30 days to 1 year in the county jail 346.65(3)

Other Criminal Actions Related to Speeding: (continued)

<u>Reckless Driving:</u> (continued)	
Imprisonment (Term): (continued)	Causing Great Bodily Harm -Felony ⁷ - 90 days to 2 years and 3 months (imprisonment) 346.65(5)
Mandatory Minimum Term	
of Imprisonment:	None
Fine (\$ Range):	Endangering Persons or Property - <u>1st offense</u> -Forfeiture- \$25 to

Reckless driving" is defined as driving a vehicle so as either (1) to endanger the safety of any person or property via negligent operation, (2) to cause bodily harm via negligent vehicle operation, or (3) to cause great bodily harm to another via negligent vehicle operation. 346.62(2), (3) & (4)

If a crime is punishable by imprisonment in one of the State's prisons, it is a felony. 939.60

WISCONSIN

	<p>\$200 <u>Subsequent offense</u> (within 4 years)-Misdemeanor-Not more than 1 year in county jail 346.65(1)(b)</p> <p>Causing Bodily Harm-Misdemeanor-\$300 to \$2,000 346.65(3)</p> <p>Causing Great Bodily Harm-Felony-\$600 to \$2,000 346.65(5)</p> <p>None</p>
Mandatory Minimum Fine:	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<p>Suspension via the Courts 343.30</p> <p>Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ 343.32(2)(a)</p> <p><u>Causing Great Bodily Harm</u>-Revocation 343.31(1)(a)</p>
Length of Term of License	
Withdrawal Action:	<p>Suspension via the Courts-Not more than 1 year 343.30(1)</p> <p>Suspension or Revocation via a Point System-2 months to 1 year⁵ 343.32(3) & WAC Trans. 101.04</p> <p><u>Causing Great Bodily Harm</u>-1 year 343.31(3)(a)</p>
Mandatory Term of License	
Withdrawal Action:	<p>Suspension via the Courts-None Note: Licensing action is discretionary 343.30(1)</p> <p>Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges 343.32(6)</p> <p><u>Causing Great Bodily Harm</u>-1 year 343.31(3)(a)</p>
Other:	<p>The above <u>fin</u>es are double if the reckless driving offense occur in either a highway maintenance, construction area or utility work area. 346.65(5m)</p>
<u>Inattentive Driving</u> ⁸ :	
Sanctions:	Civil Forfeiture 346.89(1) & 346.95(2)
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	\$20 to \$400 346.95(2)
Mandatory Minimum Fine:	None
<u>Other Criminal Actions Related to Speeding:</u>	
(continued)	
<u>Inattentive Driving</u> : (continued)	
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<p>Suspension via the Courts 343.30</p> <p>Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ 343.32(2)(a)</p>
Length of Term of Licensing Withdrawal:	<p>Suspension via the Courts-Not more than 1 year 343.30(1)</p> <p>Suspension or Revocation via a Point System-2 months to 1 year⁵ 343.32(3) & WAC Trans. 101.04</p>
Mandatory Action--Minimum	

Inattentive Driving: Driving a motor vehicle while "so engaged or occupied as to interfere with the safe driving of such vehicle." 346.89(1)

WISCONSIN

Length of License
Withdrawal:

Suspension via the Courts-**None** Note: Licensing action is discretionary 343.30(1)

Suspension or Revocation via a Point System-**None** Note: A person is eligible for occupational driving privileges 343.32(6)

Other:

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. 343.315(f)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 343.315(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 343.315(f)

⁹ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle used to carry either passengers or property and either has a gross vehicle weight $\geq 26,001$ lbs., is designed to transport 15 or more persons, or is transporting hazardous materials. 340.01(8)

¹⁰ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 343.315(f)(1) & (3)-500(17)((a) & (b)